GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Servants – Registration and Stamps - Surprise check conducted on the O/o Sub-Registrar, Nandyal, Kurnool District on 06.09.2018 – Allegation of corruption criminal misconduct – Common disciplinary proceeding initiated - Initiation of Disciplinary Proceedings against Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District under Rule 20 of APCS (CCA) Rules, 1991 – Articles of Charges - Issued.

REVENUE (VIGILANCE-II) DEPARTMENT

G.O.Rt.No.303 Dated:26-04-2022
Read:-

G.O.Ms.No.283, Revenue (Vig.II) Department, Dated:26-04-2022.

&

ORDER :

In continuation of orders issued under Rule 24 of the Andhra Pradesh Civil Services (Classification, Control & Appeal) Rules, 1991 in the G.O. read above, it is considered necessary to hold an enquiry against Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District in accordance with the procedure laid down in Rule 20 of the said rules.

2. The substance of the imputations of misconduct or misbehaviour in respect of which the inquiry is proposed to be held is set out in the enclosed statement of articles of charge (Annexure-I) and the imputations of misconduct or misbehaviour in support of each article of charge is enclosed (Annexure-II). A list of documents by which and a list of witnesses by whom the articles of charge are proposed to be sustained are also enclosed (Annexure-III and IV).

3. Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District is directed to submit his Written Statement of Defence, within seven days of the receipt of this Order.

4. Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District is further informed that if he does not submit his written statement of defence on or before the date specified in para 3 above, further action will be processed based on the material available.

6. Attention of Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District is invited to Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964 under which no Government servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interests in respect of matters pertaining to her service under Government. If any representation is received on her behalf from another person in respect of any matter dealt with in these proceedings, it will be presumed that Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District is aware of such a representation and that it has been made at his instance and action will be taken against her for violation of Rule 24 of the Andhra Pradesh Civil Services (Conduct) Rules, 1964.

(P.T.O)

7. The receipt of this order may be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-2, Nandyal, Kurnool District (Enclosed Annexures I to IV) through the Deputy Inspector General, Registration & Stamps, Kurnool District. (with a request to serve the order on the individual and send the served copy with dated signature to Government).
The Deputy Inspector General, Registration & Stamps, Kurnool District.

Copy to:
The Director General, Anti Corruption Bureau, Pandit Nehru Bus Station, NTR Administrative Block, 2nd Floor, Andhra Pradesh, Vijayawada.
The Commissioner & Inspector General, Registration & Stamps, Andhra Pradesh, Eedupugallu, Vijayawada.
The Secretary, AP Vigilance Commission.
SF / SC.

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SECTION OFFICER

ANNEXURE – I

STATEMENT OF ARTICLE OF CHARGE FRAMED AGAINST SRI NAIK ABDUL RAFAY FAIROZ, JOINT SUB-REGISTRAR-2, NANDYAL, KURNOOL DISTRICT

Sri Naik Abdul Rafay Fairoz, Aged 41 years, S/o N. Abdul Ravoof, Joint Sub Registrar-II at Nandyal, Kurnool District. (Here-in-after referred to as Government Servant). While working as Sub-Registrar-II at Nandyal from 01.10.2014 TO 06.09.2018 i.e. date of Surprise Check has committed grave misconduct in as much as.

Charge-1:

That the Government Servant Sri Naik Abdul Rafay Fairoz while working as Joint Sub-Registrar-II Nandyal, Kurnool District has connived with other officials and allowed document writers to collect illegal and unauthorized money for him and his staff from the public/parties came for registration of documents, collection of ECs, attested copies and on 06.09.2018 during the Surprise Check an amount of Rs. 1,08.460/- was found in the possession of 5 document writers who were caught inside of the office.

Charge-2:

That the Government Servant Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-II, has engaged an Unauthorised private person by name Sri Shaik Mahammad Yunus as a computer operator in the office of SRO, Nandyal.

Thus the Government Servant Sri Naik Abdul Rafay Fairoz, in abuse of his official position, while working as Joint Sub-Registrar-II, Nandyal, by his above-mentioned acts violated Circular Memo No.X2/10708/94 Dt. 30.12.1997 of Commissioner and I.G. (Registration & Stamps), A.P., Hyderabad, Circular Memo No.X1/3945/07, Dt. 02.05.2007 of Commissioner and I.G. (Registration & Stamps), A.P., Hyderabad, Circular Memo No.CARD2/5979/2013 Dt.18.04.2013 of Commissioner & Inspector General of Registration & Stamps, AP., Hyderabad and thereby exhibited lack of integrity, devotion to duty and conduct of unbecoming a Government Servant and brought down the prestige of the Government and he contravened Rules 3 (1), 3 (2) and 9 (8A) of A.P.C.S. (Conduct) Rules, 1964.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-II

STATEMENT OF IMPUTATION OF MISCONDUCT OR MISBEHAVIOUR IN SUPPORT OF ARTICLE OF CHARGE FRAMED AGAINST SRI NAIK ABDUL RAFAY FAIROZ, JOINT SUB-REGISTRAR-2, NANDYAL, KURNOOL DISTRICT.

That Sri Naik Abdul Rafay Fairoz, Aged 41 years, S/o N. Abdul Ravoof, Joint Sub Registrar-II, Nandyal, Kurnool District has joined Government Service on 08.01.1996 as Jr. Assistant worked in O/o the RO, Kurnool, O/o the SRO Owk, O/o the SRO Yemmiganur, O/o the SRO Koilakuntla and O/o the SRO Allagadda on 13.08.2008 he was promoted as Sr. Assistant and worked in O/o the Deputy Inspector General (Vigilance) Registration & Stamps, Kurnool and O/o the District Registrar, Nandyal. After getting promotion as Sub Registrar Grade-II on 13.08.2013 he worked in O/o the RO, Kurnool and as Joint Sub Registrar-II, Nandyal from 01.10.2014 to 06.09.2018 i.e. date of Surprise Check. He is due for retirement on attaining the age of Superannuation on 30.04.2037. His basic pay is Rs. 40,270/-. He is here-in-after referred to as Government Servant.

Facts of the case:

Whereas on 06.09.2018 a surprise check was conducted in the office of the Sub-Registrar, Nandyal by the Anti-Corruption Bureau officials in the presence of mediators. During surprise check the Government Servant Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-II, Nandyal, Sri G. Bala Subramanyam, Joint Sub Registrar-1, Government Servant, Kum. CheekatiVanitha Lakshmi, Trainee SRO, Sri Yellala Nagaraju, Sr. Assistant, Smt. M. Manjula, Sr. Assistant, Sri Yanumula Venkata Ramana, Jr. Asst. Kum. Pendli Sravani, Jr. Asst. and Syed Sha Basha, office Sub-Ordinate were found. Further, five document writers Sri Chennapatnam Viswanath, Sri K. Mohan Rao, Sri Thukkisetty Siva Kumar, Sri Shaik Farooq, Sri M. Hari Krishna Sastry, and one un-authorized private computer operator Sri Shaik Mahammad Yunus, and three claimants/executants namely Sri Yerukala Venkateswarlu, Sri Shaik Noor Basha and Sri Avula Lakshmi Venkata Ramana were also found in the above office at the time of Surprise Check. On physical verification, on their persons by the Anti-Corruption Bureau officials Rs. 21,500/-, Rs. 1,360/-, Rs. 82,420/-, Rs. 2,350/-, Rs. 830/- from the possession of five document writers respectively in total Rs. 1,08,460/- was found and the same was seized by the Dy. Superintendent of Police, Anti-Corruption Bureau.

During examination by the Dy. Superintendent of Police, ACB, Kurnool, the five document writers mentioned above stated that they used to prepare documents and send them for registration and they used to collect excess amounts from the public approaching them for registration for paying as a bribe to the Sub Registrars and their staff on their instructions, etc.

Further one Sri Shaik Mohammed Yunus, 39 yrs, S/o Abdul Rahim, R/o H.No.27-292-1, Mulasagaram, Nandyal Town was found in the Office and revealed that he has been attending the Computer Work & other works entrusted by the Joint Sub-Registrars -1 & 2 for the past year. As per the instructions of Joint Sub-Registrars-1 & 2, he is collecting commissions from the public attending for registrations and other works for his livelihood as no salary is paid to him by the Office. He is working under the directions of Joint Sub-Registrars -1, 2, and other Staff in the Office.

During the Surprise Check, 1) Original Personal Cash Register, 2) Original Attendance Register and Photostat copies of relevant pages of Account-A Register -1 & 2, Account-D Register, Account-H Register, and Stamp Selling Register were seized by the DSP, ACB, Kurnool for further enquiry. The Surprise Check Proceedings commenced at 19.00 hrs and concluded at 23.45 hrs on 06.09.2018.

Charge-1:

That the Government Servant Sri Naik Abdul Rafay while working as Joint Sub-Registrar-I Nandyal, Kurnool District has connived with other officials and allowed document writers to collect illegal and unauthorized money for him and his staff from

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the public/parties came for registration of documents, collection of ECs, attested copies and on 06.09.2018 during the Surprise Check an amount of Rs. 1,08.460/- was found in the possession of 5 document writers who were caught inside of the office.

Basis of the charge :

During the Surprise Check, Document Writers Sri Chennapatnam Viswanath, Sri K. Mohan Rao, Sri Thukkisetty Siva Kumar, Sri Shaik Farooq, and Sri M. Hari Krishna Sastry, were found unauthorizedly in the Sub-Registrar Office, Nandyal and during the Surprise Check unaccounted cash of Rs. 21,500/-, Rs. 1,360/-, Rs. 82,420/-, Rs. 2,350/-, Rs .830/- respectively in total Rs. 1,08,460/- was found in their possession which was said to have been collected by them for paying a bribe to the Joint Sub-Registrars-1, 2 and their staff members and the above-said amount of Rs. 1,08,460/- was seized by the DSP, ACB, Kurnool Range, Kurnool.

During the examination, the above Document Writers stated that they are living by preparing documents and sending them for registration and used to collect the excess amount from the public approaching them for registration for paying a bribe to the Joint Sub-Registrars-1, 2 & their Staff on their instructions thereby acted as private agents, collected illegal/unauthorized amounts, etc.

Sri M. Vijaya Bhaskar and Sri G.Sarweswara Reddy who acted as mediators will speak about the facts of the Surprise Check Dt. 06.09.2018, seizure of unaccounted cash of Rs. 1,08,460/- from the document writers in the office of the Joint Sub-Registrar, Nandyal and registers in the office.

Sri C. Jayarama Raju, DSP, ACB, Kurnool Range, Kurnool speaks about the facts of organizing the Surprise Check on 06.09.2018, seizure of Rs. 1,08,460/- from the possession of document writers in the O/o the Joint Sub-Registrar, Nandyal during the Surprise Check.

Surprise Check Proceedings Dt. 06.09.2018 drafted at O/o the Joint Sub Registrar, Nandyal, Kurnool District i.e SC.No. 1/SC-KUR/2018 speaks about the seizure of unaccounted cash of Rs. 1,08,460/- from the document writers found inside of the O/o the Joint Sub-Registrar, Nandyal during the Surprise Check.

The Circular Memo No. X2/10708/1994, Dt. 30.12.1997 issued by the Commissioner, Inspector of Registration and Stamps, A.P, Hyderabad made it clear that in all cases of surprise checks where unaccounted is found (I) with the employee (II) in the premises of the office and (III) with the unauthorized persons in the office normal presumptions shall be that it is the illegal amount obtained as bribe from the parties. The onus of disproving the same will be on the charged officer and where charges are held proved in case of this style stringent punishment shall be awarded including removal from service for bringing better standards in administration.

Charge-2:

That the Government Servant Sri Naik Abdul Rafay Fairoz, Joint Sub-Registrar-II, has engaged an Unauthorised private person by the name Sri Shaik Mahammad Yunus as a computer operator in the office of SRO, Nandyal.

Basis of the charge :

During the Surprise Check, Sri Shaik Mohammed Yunus age 39 years, S/o Abdul Rahim, R/o H.No 27-292-1, Mulasagaram, Nandyal Town, Unauthorized Private Assistant, SRO Office, Nandyal was found un-authorized in the Sub-Registrar Office, Nandyal, and he stated in the presence of the mediators that he has been attending the Computer Work & other works entrusted by the Joint Sub-Registrars -1 & 2 for the past year. As per the instructions of Joint Sub-Registrars-1 & 2, he is

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collecting commissions from the public attending for registrations and other works for his livelihood as no salary is paid to him by the Office. He is working under the directions of Joint Sub-Registrars -1, 2, and other Staff in the Office. Today i.e 06-09-2018, he came to the office of the Joint Sub-Registrar at about 10.30 .M and attended to his work.

Sri C. Jayarama Raju, DSP, ACB, Kurnool Range, Kurnool speaks about the facts of organizing the Surprise Check on 06.09.2018 and noticing the presence of unauthorized person Sri Shaik Mahammad Yunus attending the computer works in the office of the Joint Sub-Registrar, Nndyal during the Surprise Check.

Surprise Check Proceedings Dt. 06.09.2018 drafted at O/o the Joint Sub Registrar, Nandyal, Kurnool District in SC.No 1/SC-KUR/2018 speaks about the presence of unauthorized person Sri Shaik Mahammad Yunus attending the computer works in the office.

As per the Circular Memo No. XI/3945/07, Dt.02.05.2007 of Commissioner and IG (R&S), A.P., Hyderabad, when private persons are engaged in the office it would be presumed that the concerned violated service rules.

As per the Circular Memo No.CARD2/5979/2013 Dt.18.04.2013 of Commissioner & Inspector General of Registration & Stamps, AP., Hyderabad, all Sub-Registrars are instructed not allowing any outsider into the Computer room in the Sub-Registrar's Office other than staff.

Thus the Government Servant Sri Naik Abdul Rafay Fairoz, in abuse of his official position, while working as Joint Sub-Registrar-II, Nandyal, by his above-mentioned acts violated Circular Memo No.X2/10708/94 Dt. 30.12.1997 of Commissioner and I.G. (Registration & Stamps), A.P., Hyderabad, Circular Memo No.X1/3945/07, Dt. 02.05.2007 of Commissioner and I.G. (Registration & Stamps), A.P., Hyderabad, Circular Memo No.CARD2/5979/2013 Dt.18.04.2013 of Commissioner & Inspector General of Registration & Stamps, AP., Hyderabad and thereby exhibited lack of integrity, devotion to duty and conduct of unbecoming a Government Servant and brought down the prestige of the Government and he contravened Rules 3 (1), 3 (2) and 9 (8A) of A.P.C.S. (Conduct) Rules, 1964.

Thus the Government Servant had rendered himself liable for regular departmental action for major penalty under Rule 20 of APCS (CC & A) Rules, 1991.

Hence the charge.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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SECTION OFFICER

ANNEXURE-III

LIST OF DOCUMENTS BY WHICH THE ARTICLES OF CHARGES FRAMED AGAINST SRI NAIK ABDUL RAFAY FAIROZ, JOINT SUB-REGISTRAR-2, NANDYAL, KURNOOL DISTRICT ARE PROPOSED TO BE SUSTAINED.

1) Surprise check proceedings drafted from 19.00 hours to 23.45 hours on 06.09.2018 in the Sub-Registrar, Nandyal, Kurnool District.
2) Letter No. X/765/2018, Dt.23.10.2018 of the Dy. Inspector General of Registration and Stamps Department, Kurnool.
3) Circular Memo No.XI/3945/07, Dt.02.05.2007 of Commissioner and IG (R&S), A.P., Hyderabad.
4) Circular Memo No. X2/10708/94, Dt.30.12.1997 issued by the Commissioner and Inspector General of Registration and Stamps, A.P., Hyderabad.
5) Original Personal cash register.
6) Original Attendance register.
7) Any other document found relevant at the time of inquiry.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

//FORWARDED:: BY ORDER//

SECTION OFFICER

ANNEXURE-IV

LIST OF WITNESSES BY WHOM THE ARTICLES OF CHARGES FRAMED AGAINST SRI NAIK ABDUL RAFAY FAIROZ, JOINT SUB-REGISTRAR-2, NANDYAL, KURNOOL DISTRICT ARE PROPOSED TO BE SUSTAINED

1. Sri Mandaluri Vijaya Bhaskar, S/o M. Prahlada Rao, Head Master, Government High School, Jupadu Bungalow, Kurnool District, R/o Flat No.408, Marigold Apartment, Balaji Nagar, Kurnool Town (Mediator-I).
2. Sri Girigari Sarweswara Reddy, S/o G. Sanjeeva Reddy, Secondary Grade Teacher, Indira Gandhi Memorial Primary School, A-Camp, Kurnool R/o H.No.87/1108-M-L-C70A, Mother Land, near Lakshmi Township, Ganesh Nagar, Kurnool Town (Mediator-II).
3. Sri Shaik Mahammad Yunus, S/o Abdul Rahim, R/o H.No.27-292-1, Mulasagaram, Nandyal Town, Kurnool District, Private Computer Operator: Speaks his part of the version as mentioned in the proceedings.
4. Sri Chennapatnam Viswanath, S/o Govinda Rao, Document Writer, R/o Flat No.101, Near Sandhya Theater, Nandyal Town, Kurnool District: Speaks his part of the version as mentioned in the proceedings.
5. Sri K. Mohan Rao, S/o Venkappa, Document Writer, R/o Flat No.112, Nandyala Garden Apartment, SBI Colony, Nandyal, Kurnool District: Speaks his part of the version as mentioned in the proceedings.
6. Sri Thukkisetty Siva Kumar, S/o Basava Raju, Document Writer, R/o H.No.3-253, Kuruvapet, Nandyal Town, Kurnool District: Speaks his part of the version as mentioned in the proceedings.
7. Sri Shaik Farooq, S/o Shaik Dasthagiri, H.No.19/53C4, Gudipatigadda, Nandyal Town, Kurnool District: Speaks his part of the version as mentioned in the proceedings.
8. Sri M. Harikrishna Sastry, S/o M. Sanjeevaiah, Document Writer, H.No.28/1480-A, Noonepalli, Nandyal, Kurnool District: Speaks his part of the version as mentioned in the proceedings.
9. The Deputy Inspector General of Registration & Stamps Department, Kurnool: Speaks about the furnishing of replies regarding Departmental Circulars, etc.
10. Sri N.S.M. Sreedhar, Inspector of Police, Anti-Corruption Bureau, Kurnool.
11. Sri M. Nagabhushanam, Inspector of Police, Anti-Corruption Bureau, Kurnool
12. Sri S.D. Tejeswar Rao, Inspector of Police, Anti-Corruption Bureau, Kurnool
13. Sri C. Jayarama Raju, Dy. Superintendent of Police, Anti-Corruption Bureau, Kurnool.
14. Any other witnesses found relevant at the time of enquiry.

Dr.RAJAT BHARGAVA
SPECIAL CHIEF SECRETARY TO GOVERNMENT

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